

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-81535-CIV-SMITH/MATHEWMAN

ALEXANDRE AMORIM,

Plaintiff,

v.

WAL-MART STORES EAST, L.P.,

Defendant.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE


This matter is before the Court upon the Magistrate Judge's Report and Recommendation to District Judge [DE 53], recommending that Defendant Wal-Mart Stores East, L.P.'s ("Defendant") Motion to Dismiss Counts II and III of Plaintiff's Second Amended Complaint ("Motion to Dismiss") [DE 44] be granted and that the Defendant's Motion for Declaration that State Court Discovery Is Void, Motion for Reconsideration of State Court's Discovery Order, and, in the Alternative, Motion to Stay Discovery or for Protective Order ("Motion for Reconsideration") [DE 9] be denied as moot. No objections have been filed. Accordingly, having reviewed the Report and Recommendation, the motions, the record, and given that no objections have been filed, it is

ORDERED that:

- 1) The Magistrate Judge's Report and Recommendation to District Judge [DE 53] is **AFFIRMED and ADOPTED** and incorporated by reference into this Court's Order.
- 2) Defendant's Motion to Dismiss [DE 44] is **GRANTED**.
- 3) Counts II and III of Plaintiff's Second Amended Complaint [DE 35] are **DISMISSED WITHOUT PREJUDICE**.

4) Defendant's Motion for Reconsideration [DE 9] is **DENIED AS MOOT**.

DONE and ORDERED in Fort Lauderdale, Florida, this 9th day of June, 2025.



RODNEY SMITH
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record